

REMARKS

Claims 1, 2, 6 to 26 are currently pending in this application. Claims 1, 2, 11 and 19, are amended and claims 49 to 51 were added herewith. No new matter was added to the amended or new claims. Support for the amendment to claim 1 may be found in the specification. See, page 4, lines 5-6. Support for the added claims is found in the cancelled claims. Applicants hereby confirm the provisional election and wish to prosecute the claims of Group 1, claims 1-26. The following remarks shall not address any cancelled claims

In the Office Action, claims 1-26 were rejected under 35 U.S.C. § 112, second paragraph. It was asserted that “if the particular materials recited in claims 1 and 11-13 constitute tradenames, they should be listed as such.” Applicants traverse this rejection for the following reason.

The names listed in claims 1, and 11-13 are generic names. Particularly, balafilcon A, lotrafilcon A, galyfilcon, senofilcon, and aquafilcon A are United States Adopted Names for the contact lens materials and are generic. Applicants respectfully request, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

In the Office Action, claims 1,2 and 11-14 were “rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese document 52-93398. Japanese-398 discloses the instant package comprising a molded base material comprising an additive, the additive being PVP.” Applicants traverse this rejection for the following reason.

Claim 1 as amended requires that the addition of the additive to the polymer, rubber, or plastic prior to forming the molded bases. Japanese-398 does not teach or suggest such containers. Particularly, this reference teaches taking a “beaker, made of a material such as polyethylene, polypropylene, or glass, etc., with an inner wall which has been cleaned, is immersed in an aqueous solution of such a high molecular- weight polymer and, after a specific time, dried rapidly ...” See, JP Application No. 52-93398 page 2. last sentence of the second to last paragraph. Since this reference does not teach a required element of claim 1 and its dependent claims 2 and

11-14, this reference does not anticipate the invention of those claims. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) in view of JP Application No. 52-93398.

In the Office Action claims 1, 2 and 11-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by British Patent Application 2,078,760, citing the application's disclosure of glycerol monostearate. As amended, claims 1, 2 and 11-14 do not recite glycerol monostearate. Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 102(b) in view of British Patent Application 2,078,760 has been overcome and should be withdrawn.

In the Office Action, claims 6-10 and 15-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese document 52-93398. It was asserted that

Japanese-398 discloses the basic claimed package ... lacking a clear teaching of concentration of PVP that would it be compounded with other moieties and the surface roughness of the package. It was submitted that these aspect would have been well within the skill level of the art dependent on the degree with one would want to protect the inner wall of the package and the exact properties desired for the wall.

Applicants traverse this rejection for the following reasons.

Applicants' claimed invention requires the addition of the additive prior to forming the molded base. As discussed above, Japanese Patent Application No. 52-93398 does not disclose the addition of PVP prior to forming the molded base and would not suggest Applicants' claimed invention to one of ordinary skill in the art. Further, this reference does not disclose roughening the inner surface of its containers. Therefore the requirements of Applicant's claimed invention, namely the addition of the additive prior to formation of the molded base (claims 6-10 and 15-26) and an inner surface roughness (claims 15-26) would not be suggested to one of ordinary skill in view of Japanese Patent Application No. 52-93398. Applicants respectfully submit that the rejection of claims 6-10 and 15-26 in view of this reference have been overcome and should be withdrawn.

In the Office Action, claims 5 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over British Patent Application 2,078,760. Applicants traverse this rejection for the following reason.

Claim 5 was cancelled and as amended claims 15-19 do not claim glycerol monostearate as an additive. Therefore the rejection of claims 15-19 has been overcome and should be withdrawn.

Claims 49-51 recite glycerol monostearate and Applicants respectfully submit that these claims are non-obvious in view of British Patent Application 2,078,760. This reference teaches packaging that reduces or eliminates the deposition of dust on plastic containers. See, British Patent Application 2,078,760, page 1, lines 8-9. This reference does not teach roughening the inner surface of its containers. Since the purpose of British Patent Application 2,078,760, is to reduce or eliminate dust on plastic, it is unlikely that one would roughen the same surface because that would make it more likely for dust to adhere to the roughened surface. Since, the invention of claims 49-51 require a roughened inner surface, it is unlikely that one of ordinary skill in the art would find Applicants' claimed invention obvious in view of British Patent Application 2,078,760. Applicants respectfully submit that the newly added claims are non-obvious in view of British Patent Application 2,078,760.

Applicants respectfully submit that all pending claims are allowable and solicit a Notice of Allowance for those claims. In the event that the Examiner believes an interview would expedite the disposition of this application, the Examiner is invited to contact the undersigned agent by telephone.

Respectfully submitted,

/Ruby T. Hope/
Ruby T. Hope
Reg. No. 34, 350
Attorney for the Applicant(s)

Johnson and Johnson
One Johnson and Johnson Plaza
New Brunswick, New Jersey 08933
(732) 524-1024
Dated: October 16, 2007